

6/30/99

## **FACT SHEET**

### **AMENDMENTS TO REGULATIONS GOVERNING CONSTRUCTED OR RECONSTRUCTED MAJOR SOURCES**

#### **TODAY'S ACTION**

- ◆ The Environmental Protection Agency (EPA) is today finalizing revisions to an EPA final rule regarding permits for air toxics emissions limits, "Regulations Governing Constructed or Reconstructed Major Sources" under Section 112(g) of the Clean Air Act Amendments of 1990 (Act). Air toxics, otherwise known as hazardous air pollutants, are those pollutants known or suspected to cause adverse health and environmental effects.
- ◆ Today's revisions would provide a longer time period (up to 30 months) during which an EPA Regional Administrator may determine maximum achievable control technology (MACT) emission limitations on a case-by-case basis, if the permitting authority has not yet established procedures for requiring MACT on constructed or reconstructed major sources. This amendment would ensure that major sources can obtain permits to construct or reconstruct in those jurisdictions where permitting authorities need extra time to establish programs implementing the section 112(g) rule.

#### **BACKGROUND**

- ◆ On December 27, 1996, the Agency promulgated a rule in the Federal Register implementing certain provisions in section 112(g) of the Clean Air Act (Act). After the effective date of that rule, all owners or operators of major sources of hazardous air pollutants (HAP) that are constructed or reconstructed are required to install MACT (unless specifically exempted). When no applicable Federal emission limitation has been promulgated under section 112(d) of the Act, the Act requires the permitting authority (generally a State or local agency responsible for the program) to determine a MACT emission limitation on a case-by-case basis.
- ◆ Section 112(g) is effective in a State or local jurisdiction on the date that the permitting authority, under title V of the Act, places its implementing program for section 112(g) into effect. Permitting authorities had until June 29, 1998 to initiate implementing programs.
- ◆ After June 29, 1998, if a State or local permitting authority had not yet initiated a program to implement the section 112(g) rule, there have been two options for obtaining a MACT approval: either (1) the permitting authority could issue a MACT determination with EPA's written concurrence; or (2) the EPA Regional Administrator would issue section 112(g) determinations for up to 1 year - i.e. until June 29, 1999. We believed that one

extra year, in addition to the original 18-months lead time, would be enough time for all permitting authorities to establish Section 112(g) programs.

- ◆ However, it has now become clear that some permitting authorities will not have initiated an implementing program by June 29, 1999. In addition, some of these jurisdictions believe that they may not yet have the authority even to issue a MACT determination for EPA concurrence, which would avoid the one-year limit. Therefore, in some jurisdictions, after June 29, 1999, it is possible that there could be no mechanism by which a major source could receive the MACT determination required by the Act in order to construct. In effect, there could be a construction ban in those jurisdictions.
- ◆ This amendment provides a longer time period (up to 30 months) during which the EPA Regional Administrator may determine MACT emission limitations on a case-by-case basis, if the permitting authority has not yet established procedures for requiring MACT on constructed or reconstructed major sources.

### **WHAT ARE THE BENEFITS?**

- ◆ Today's revisions would ensure that major sources can obtain permits to construct or reconstruct in those jurisdictions where permitting authorities need extra time to establish programs implementing the section 112(g) rule.

### **WHO WOULD BE AFFECTED BY THE RULE?**

- ◆ Any owner or operator who intends to construct or reconstruct a major source in a jurisdiction in which the permitting authority has not yet established procedures for requiring case-by-case MACT.

### **FOR FURTHER INFORMATION...**

- ◆ Interested parties can download the proposed revisions from EPA's web site on the Internet under "recent actions" at the following address: <http://www.epa.gov/ttn/oarpg>. In addition, the proposed revisions can be obtained from the Air and Radiation Docket and Information Center, by telephone (202) 260-7548 or by electronic mail, [a-and-r-docket@epamail.epa.gov](mailto:a-and-r-docket@epamail.epa.gov). The docket number is A-91-64.
- ◆ The EPA's Office of Air and Radiation's home page on the Internet contains a wide range of information on air pollution programs and issues. The Office of Air and Radiation's home page address is: <http://www.epa.gov/oar/>.
- ◆ For questions on the proposed revisions, contact Ms. Kathy Kaufman, Information Transfer and Program Integration Division, (MD-12), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-0102.